BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting October 6, 2009

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, October 6, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Harry E. Crisp II, Vice Chairman; M. S. "Joe" Brito; Mark Dudenhefer; Paul V. Milde III; Cord A. Sterling; and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff and interested parties.

Legislative; Presentation of a Proclamation.

 Recognize and Commend Berea Fire Station Auxiliary for their Outstanding Contributions to Berea Fire and Rescue Station 12

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

Craig Miller - Use of Tasers by the Sheriff's Department

<u>Legislative</u>; <u>Report of the Superintendent of Schools</u>. Mr. David Sawyer gave a presentation and responded to Board members questions.

Mr. Brito requested that Dr. Sawyer provide the Board with school allocation and carryover funding information at the October 20th meeting.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members.</u> Board members spoke on topics as identified:

Mr. Milde - Attended Wayfinding meeting

- Radio Telecommunications Tower meeting

- VRE

- Chaplin Group Home

- PRTC

- Attended two Civil War site subcommittee meetings

- Aquia Harbour HOA meeting

- GWRC

- Aquia Harbour YachtFest

- Eagle Scout Ceremony

- Crows Nest Dedication

- Aquia Harbour meeting regarding sewage spills

- Stafford Hospital Pavilion opening

- Stone River HOA meeting

- N. VA Community College Local Government class

Oktoberfest

- Seventh Day Adventist Church Dedication

- Trails to Freedom

- Bloggers Forum

Rode DRPT Maiden Train Voyage to Lynchburg

Mr. Sterling - Deferred

Mr. Woodson - Trails to Freedom

- Norman Road meeting

- BZA meeting

- DSS Advisory Board meeting

- BRAC meeting

- Widewater Volunteer Fire Department

- Sports Booth meeting

Mr. Brito - Attended 25 meetings

Hartwood Volunteer Fire and Rescue

Hartwood Days

- Harvest Festival

- Trails to Freedom

Senior Center Art Show

Crows Nest Dedication

- Riverfest

- Wal-Mart Grand Opening

Mr. Crisp - Rappahannock River Basin Quarterly Meeting

- Union Church Historical Marker

- Yankees in Falmouth

- Met with Russ Smith with the National Park Service

- Town Hall meeting on October 24th

Mr. Schwartz - Deferred

Mr. Dudenhefer - Deferred

<u>Legislative Report of the County Attorney</u> Mr. Joe Howard, County Attorney had no comments.

<u>Legislative Report of the County Administrator</u> Mr. Anthony J. Romanello, County Administrator, commented on the following:

- Addition of 14g; Discuss Stafford County/NPS Chatham Feasibility Study and 14h; FRED Bus Stops
- Acknowledged awards won by the Department of Utilities which were given out by the National Association of Clean Water Agencies. Aquia Wastewater

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Treatment Facility received the Gold award and Little Falls Run Wastewater Treatment

Facility received the Platinum award.

Donna Krauss, Administrator for Human Services/CSA Administrator;

gave a presentation on the Public Day School and Transition Center and invited members

of the Board of Supervisors to the Open House scheduled for 11/5/09, at Drew Middle

School, 6:30 p.m. to 8:30 p.m.

Legislative; Additions and Deletions to the Regular Agenda Mr. Woodson motioned,

seconded by Mr. Milde to add Item 14g, a discussion of a Stafford County/National Park

Service Chatham Feasibility Study, and Item 14h – a discussion of FRED Bus Stops.

The Voting Board tally was:

Yea: (7)

Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Legislative; Consent Agenda; Mr. Sterling motioned, seconded by Mr. Woodson to

approve the Consent Agenda consisting of Items 2 through 10, removing Items 8 and 9.

The Voting Board tally was:

Yea:

(7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Item 2. Legislative, Approve Minutes of Board Meeting. Regular Meeting, September

15, 2009.

Item 3. Finance and Budget; Approve Expenditure Listing.

Resolution R09-337 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED SEPTEMBER 15, 2009 THROUGH OCTOBER 5, 2009

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6^{th} day of October 2009, that the above-mentioned EL be and it hereby is approved.

<u>Item 4. Public Information; Approve a Proclamation to:</u>

Proclamation P09-21 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND THE HARTWOOD VOLUNTEER FIREMEN'S ASSOCIATION FOR THE RENOVATION OF HARTWOOD FIRE AND RESCUE STATION 6

WHEREAS, the fire-related death of a Hartwood resident in 1966 prompted the Hartwood Community League, Sadie Patton, Catherine Brady and Stewart Jones to donate land on which community members erected a building to house the newly formed Hartwood Volunteer Fire Department; and

WHEREAS, from 1967 until 1973, calls reporting fires were answered in the homes of fire department members, whose dedicated wives, in particular Barbara Dempsey and Bernice Walker, would institute a pyramid system to alert all available volunteers; and

WHEREAS, the Hartwood Volunteer Fire Department thrived under the leadership of President Restress Loving and Fire Chief L. Steve Dempsey, leading to the purchase of refurbished and new apparatus including pumpers, brush units, extrication equipment and ambulances; improved training; and fundraising efforts that ensured the station's ongoing success; and

WHEREAS, during a membership meeting in January 2009, the department voted unanimously to spend 75 percent of funds accumulated over the course of 40 years to renovate Station 6; and

WHEREAS, during that time period the members worked tirelessly to raise the funds now being used, partnering with businesses and community groups; holding bake sales, raffles, other special events, and soliciting donations by mail; and

WHEREAS, a timeframe of six months was set to complete the renovation, which was accomplished primarily by Station 6 members, included raising the roof to add a

second story, installing a commercial kitchen, replacing the plumbing, upgrading electrical systems, and improving the bunk room to allow for extra personnel; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the self-reliant values of the Hartwood Volunteer Firemen's Association, as well as the philosophy of past members to save for the future and the goal of present members to provide for the next generation of volunteers;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the Hartwood Volunteer Firemen's Association be and it hereby is recognized for its efforts to renovate Hartwood Fire and Rescue Station 6, newly re-dedicated in honor of L. Steven Dempsey.

Proclamation P09-22 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND MEMBERS OF THE BEREA AUXILIARY FOR THEIR OUTSTANDING CONTRIBUTIONS TO BEREA FIRE AND RESCUE STATION 12 AND TO THE COMMUNITY

WHEREAS, the Berea Auxiliary met for the fist time on May 6, 2008, and began to immediately set the course for its outstanding success in raising funds to purchase equipment for the firefighters and items for the station, and hosting events throughout the year to educate children about fire safety; and

WHEREAS, the enthusiastic 30-plus members of the Berea Auxiliary have raised \$8,000, some of which was used to purchase four personal flotation vests and four technical rescue/water rescue helmets for \$980.00; buy two large portable canopies for use during events and emergencies; and host kick-off parties for the annual "Fill the Boot" campaign to raise money for the Muscular Dystrophy Association; and

WHEREAS, additional items that the auxiliary has provided to the members of Station 12 include window shades for the training/community room to make viewing PowerPoint presentations easier and reduce radiant heat during the day; valances for the dayroom windows thanks to Mrs. Chandler; spare bed linen, towels, toothbrushes; and even pots, pans and silverware when the station initially opened; and

WHEREAS, under the leadership of President Harriett Chandler, Secretary Brenda Dudley and Treasurer Ethel Volois, the hard-working members of the auxiliary have also held fundraisers to purchase a heavy-duty vacuum cleaner and an additional scanner for the office, and still find the time to provide personnel with a homemade Sunday dinner once a month, making sure that all three shifts have a chance to enjoy a special meal; and

WHEREAS, the Berea Auxiliary is heavily invested in the community, holding a festival during Fire Prevention Week in October during which firefighters teach children

about burn awareness and fire prevention; show youngsters of all ages what firefighters look like in their heavy equipment and facemasks; and escort kids through the "Smoke House" to experience conditions similar to an actual fire; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the, dedication, kindness and service to the community that the wonderful members of the Berea Auxiliary have exhibited since its founding;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the members of the Berea Auxiliary be and they hereby are recognized for their outstanding contributions to Berea Fire and Rescue Station 12 and the community.

<u>Item 5. Legislative; Amend Virginia Railway Express (VRE) Master Agreement to Include Spotsylvania County, with Revised Financial Guidelines</u>

Resolution R09-362 reads as follows:

A RESOLUTION DIRECTING THE CHAIRMAN, ON BEHALF OF STAFFORD COUNTY, TO EXECUTE THE REVISED VIRGINIA RAILWAY EXPRESS (VRE) MASTER AGREEMENT GOVERNING SPOTSYLVANIA COUNTY'S ADMISSION TO MEMBERSHIP IN THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) AND PARTICIPATION IN THE VRE

WHEREAS, on August 18, 2009, the Board of Supervisors of Spotsylvania County approved and authorized execution of the following: (1) an Agreement governing Spotsylvania County's admission in PRTC and participation in VRE; (2) an amended VRE Master Agreement; and (3) an amended PRTC Founding Ordinance and Master Agreement; and

WHEREAS, the VRE Membership Agreement approved by Spotsylvania County provides that approval of all three agreements and completion of the certification process must occur by all required parties by November 30, 2009; and

WHEREAS, PRTC Resolution 09-09-10, approved on a motion by Paul Milde, seconded by Matt Kelly, resolves that the amended VRE Master Agreement be forwarded to each of the Commission's members that are a participating or contributing jurisdiction under the VRE Master Agreement for that jurisdiction's consideration of approval no later than October 31, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the Chairman, on behalf of the County, sign the Amended VRE Master Agreement governing Spotsylvania County's participation in VRE.

Item 6. Legislative; Prioritization of FRED Bus Shelters

Resolution R09-371 reads as follows:

A RESOLUTION TO ACCEPT THE PRIORITY LISTING OF POTENTIAL FRED BUS SHELTERS IN STAFFORD COUNTY

WHEREAS, the Fredericksburg City Council has authorized the City Manager to work with County staff to identify and construct bus sites in the County; and

WHEREAS, at the September 15, 2009 meeting, the Board directed staff to prioritize the list of proposed bus shelter locations based on utilization and bring it back to the Board at its October 6, 2009 meeting; and

WHEREAS, at the September 15, 2009 meeting, the Board released funds to pay for these shelters;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the priority listing of FRED Bus shelters in the County be and hereby is accepted; and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors authorizes the County Administrator to execute an Agreement with the Fredericksburg City Manager for the construction of these facilities.

<u>Item 7. Sheriff; Budget and Approve Grant Funds and Authorize a Full-Time School Resource Officer</u>

Resolution R09-361 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE GRANT FUNDS FROM THE DEPARTMENT OF CRIMINAL JUSTICE SERVICE, AND AUTHORIZE A FULL-TIME GRANT FUNDED SCHOOL RESOURCE OFFICER

WHEREAS, the County was awarded a federal grant by the Department of Criminal Justice Service for one year with the possibility of three additional years funding; and

WHEREAS, a first year local match of \$67,500 is required to completely hire and outfit a new Deputy Sheriff I; and

WHEREAS, Stafford County Schools have agreed to fund half of the local match each year with \$33,750 being required the first year; and

WHEREAS, this School Resource Officer will be assigned to Stafford County Middle Schools;

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the County Administrator be and he hereby is authorized to budget and appropriate funds to the Sheriff's budget in the amount of Seventy-One Thousand Two Hundred and Fifty Dollars (\$71,250); and

BE IT FURTHER RESOLVED that one full-time grant funded position as a Deputy Sheriff I – Field Ops be and it hereby is authorized as long as grant funds are awarded.

Item 10. Parks, Recreation and Community Facilities; Authorize Acceptance of Energy Efficiency Community Block Grant Funds (EECBG) and Award Contract for Upgrades to the Energy Management System at the Government Center, Courthouse, and Porter Library

Resolution R09-364 reads as follows:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA), U.S. DEPARTMENT OF ENERGY, FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

WHEREAS, the Board desires to encourage efficient and sustainable energy usage in all public buildings; and

WHEREAS, through the American Recovery and Reinvestment Act of 2009 the County has been awarded \$484,300 in a formula grant to support energy efficiency; and

WHEREAS, the money will be used to upgrade energy management technology and equipment in the Government Center, Courthouse and Porter Library;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the United States Department of Energy Formula Grant be and hereby is accepted; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to budget and appropriate grant funding in the amount of Four Hundred Eighty-four Thousand Three Hundred Dollars (\$484,300) from the U.S. Department of Energy to the General Fund; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with Aero Integrated Solutions in an amount

not to exceed Four Hundred Fifty-eight Thousand Six Hundred Thirty-three Dollars (\$458,633).

<u>Information Technology</u>; <u>Authorize a Public Hearing to Grant an Easement on County-Owned Property to Stafford County Public Schools</u>. Mr. Milde commented. Discussion ensued.

Mr. Dudenhefer suggested that the resolution not specify a date for the public hearing.

Mr. Sterling made a motion, seconded by Mr. Woodson to approve proposed Resolution R09-359 without specifying a date for a public hearing.

The Voting Board Tally on the substitute motion was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Brito, Woodson, Crisp

Nay: (0)

Resolution R09-359 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONVEY AN EASEMENT TO THE STAFFORD COUNTY SCHOOL BOARD ON PROPERTY LOCATED AT 1300 COURTHOUSE ROAD

WHEREAS, Stafford County Public Schools has requested a fifteen (15) foot wide easement on County-owned property located at 1300 Courthouse Road; and

WHEREAS, this easement is necessary for installation of a fiber optic cable to provide communication and information technology service to several schools and the Alvin Y. Bandy school administration center; and

WHEREAS, Stafford County government will benefit from the installation of this fiber optic cable; and

WHEREAS, a public hearing is necessary prior to authorization of this easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the County Administrator be and he hereby is authorized to schedule a public hearing to consider the matter of conveying a fifteen (15) foot right-of-way easement to the Stafford County School Board on property located at the Stafford County Administration Center.

Fire and Rescue; Approve a Memorandum of Agreement Between Stafford County and the Rappahannock Regional Jail Authority on Ambulance Transport Fees. Mr. Sterling commented.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Brito to adopt proposed Resolution R09-363.

The Voting Board tally was:

Yea: (4) Crisp, Brito, Schwartz, Woodson

Nay: (2) Dudenhefer, Sterling

Absent: (1) Milde

Resolution R09-363 reads as follows:

A RESOLUTION TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF STAFFORD AND THE RAPPAHANNOCK REGIONAL JAIL AUTHORITY IN REFERENCE TO AMBULANCE TRANSPORT FEES

WHEREAS the Board will approve a Memorandum of Agreement between the County and the Rappahannock Regional Jail Authority in reference to ambulance transport fees; and

WHEREAS, the Rappahannock Regional Jail Authority will pay the County \$46,929 for ambulance transports of inmates for any and all transports from the effective date of Ordinance O06-50, which is September 19, 2006 through June 30, 2009; and

WHEREAS, from July 1, 2009 the Rappahannock Regional Jail Authority agrees to pay the County 50% of the average ambulance transport fee on a monthly basis; and

WHEREAS, in addition to the payment by the Rappahannock Regional Jail Authority to the County, the County may bill inmates directly for ambulance transports to an inmate's private health insurance; and

WHEREAS, the Memorandum of Agreement may be terminated by either party at any time by giving written notice to the other party of such termination.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 6th day of October, 2009, that the Agreement between the County of Stafford and the Rappahannock Regional Jail Authority be and it hereby is adopted.

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Planning and Zoning; Amend and Reordain Stafford County Code Regarding Clustering

in the Agricultural Zoning Districts. Mr. Jeff Harvey, Director of Planning and Zoning

gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Crisp to defer this item to the October 20th meeting

and the following changes be made: (1) Specify required buffers to not count toward the

open space; and (2) Individual lots will contain no more than 25% RPA.

Mr. Milde made a substitute motion to defer this item to January, 2010.

Discussion ensued

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to refer this item back to

the Planning Commission for text amendments and bring back to the Board at its

February 2, 2010 meeting.

The Voting Board tally was:

Yea:

(4) Sterling, Schwartz, Milde, Dudenhefer

Nay:

(3) Brito, Crisp, Woodson

Planning and Zoning; Reservoir Protection Overlay District. Mr. Jeff Harvey, Director of

Planning and Zoning gave a presentation and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R09-

367.

The Voting Board tally was:

Yea:

(5) Dudenhefer, Milde, Brito, Schwartz, Woodson

Nay:

(1) Sterling

Absent: (1)

Crisp

Resolution R09-367 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT OF THE ZONING AND SUBDIVISION ORDINANCES TO THE PLANNING COMMISION REGARDING THE RESERVOIR PROTECTION OVERLAY DISTRICT

WHEREAS, in an effort to protect drinking water supply reservoirs, the Comprehensive Plan recommends the establishment of a Reservoir Protection Overlay District (RPOD); and

WHEREAS, the Planning Commission formed a subcommittee to establish regulations for a RPOD; and

WHEREAS, the land immediately surrounding and in the upstream watershed of Abel Lake, Smith Lake and Rocky Pen Run Lake shall be placed in the RPOD; and

WHEREAS, public necessity, convenience, general welfare and good zoning and subdivision practices require the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the amendments to the Zoning and Subdivision Ordinances pursuant to proposed Ordinance O09-39 be and they hereby are referred to the Planning Commission for its consideration; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make any amendments to proposed Ordinance O09-39 as it deems necessary in making its recommendation.

<u>Public Works; Acidic Sols Update</u>. Mr. Keith Dayton, Director of Public Works gave a presentation and responded to Board member questions.

Mr. Milde requested that staff provide Board members with data from the homeowners, and soil experts.

<u>Legislative</u>; <u>Discuss Bow Hunting</u>. Mr. Sterling commented.

The Board determined that this item be sent to the County Attorney for recommendations on changes to the Code and be brought back to the Board.

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Legislative; Discuss Architectural Review Board. Mr. Schwartz commented that he

would like the ARB to restrict their work to assigned areas only and not broaden

themselves to other areas of the County such as the entire redevelopment area from

Boswells Corner, to the Courthouse, to the Southern Gateway.

<u>Legislative</u>; <u>Discuss Auxiliary Deputy Benefits</u>. Mr. Brito commented that he would like

to see equal benefits. Mr. Brito motioned, and Mr. Woodson seconded that staff work

with the Sheriff and Fire Chief and bring back a proposal of benefits to the Board.

The Voting Board Tally on the motion was:

Yea:

(6) Schwartz, Sterling, Brito, Woodson, Crisp, Dudenhefer

Nay: (1)

(1) Milde

Legislative; Discuss Pratt Park Tennis Court and Carl Lewis Field. Mr. Crisp commented

that he has received several calls from citizens who are upset with the condition of the

tennis court. He suggested that a committee be formed to review the list of upgrades and

bring a report back to the Board.

Mr. Chris Hoppe, Director of Parks, Recreation and Community Facilities, responded to

Board members questions.

Mr. Brito motioned, seconded by Mr. Woodson to accept the Carl Lewis expansion and

the Pratt Park Tennis Court upgrade and to form a committee to prioritize the remaining

projects.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde to form a committee to

meet with the Parks and Recreation staff, to work on the prioritization process before

moving forward and bring back to the Board at its November 17th meeting.

Discussion ensued.

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Mr. Sterling made a second substitute motion, seconded by Mr. Brito, for staff to move

forward and prioritize, using Bond revenue money not to exceed \$1.1 Million, to

complete as many projects as could be funded.

The Voting Board Tally on the second substitute motion was:

Yea:

(6) Milde, Schwartz, Sterling, Brito, Woodson, Crisp

Nay:

(1) Dudenhefer

Legislative; Discuss Stafford County/NPS Chatham Feasibility Study. Mr. Crisp

commented on his meeting with Russ Smith from the National Park Service on the

General Management Plan process. They looked at potential involvement between the

County and the National Park Service with regard to Chatham and the possibility of the

County using a portion of the building for a museum. The Museum Committee endorsed

using up to \$10,000 from the \$50,000 which is allocated for the History Wall to perform

a feasibility study to determine what kind of relationship could exist between Stafford

County and the National Park Service.

Mr. Crisp motioned, seconded by Mr. Brito, to spend up to \$10,000 on a feasibility study

to explore a possible relationship between the County and the National Park Service for a

museum to be located at Chatham.

Discussion ensued.

The Voting Board Tally on the motion was:

Yea:

(7)

Crisp, Brito, Milde, Schwartz, Sterling, Woodson, Dudenhefer

Nay: (0)

Legislative; Discuss FRED Bus Stops. Mr. Brito requested that the Board look into

having FRED add the new Wal Mart Supercenter on Rt. 17 to its list of bus stops. Mr.

Brito also requested that staff look into the cost of adding a FRED bus stop at the Sports

Booth.

Discussion ensued.

<u>Legislative</u>; <u>Closed Meeting</u>. At 3:32 p.m., Mr. Woodson motioned, seconded by Mr. Crisp to adopt proposed Resolution CM09-16.

The Voting Board tally was:

Yea: (6) Crisp, Brito, Dudenhefer, Milde, Schwartz, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution CM09-16 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting discussion involving Proprietary Documents Regarding Public Private Transportation Act Submission: Unsolicited Proposal for County Road Bond Projects; and Legal Advice regarding probable litigation involving Utilities Procurement Issues; and

WHEREAS, pursuant to Section 2.2-3711 A.28, and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 6th day of October, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order</u>. At 4:23 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Sterling motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution CM09-16a.

The Voting Board tally was:

Yea: (7) Woodson, Crisp, Milde, Sterling, Schwartz, Brito, Dudenhefer

Nay: (0)

Resolution CM09-16a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 6, 2009

WHEREAS, the Board has, on this the 6th day of October, 2009, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 6th day of October, 2009, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

At 4:24 p.m., the Board adjourned until 7:00 p.m.

Call to Order At 7:06 P. M. the Chairman called the meeting back to order

Invocation Mr. Crisp gave the Invocation.

<u>Pledge of Allegiance</u> Mr. Crisp led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Presentations by the Public-II The following persons spoke on items as indicated:

Paul Waldowski - Chapter 21 – Solid Waste

Robert Hopkins - Reducing County Government

William Hoyt - SPCA CUP and Animal Shelter Committee

Lester Gabriel - Voting of military personnel

Planning and Zoning; Consider Amendments to the Comprehensive Plan, Including Adoption of the Proposed Stafford County Comprehensive Plan, 2009-2028 and Repeal of the Current Land Use Plan Component of the Comprehensive Plan. Mr. Jeff Harvey, Director of Planning and Zoning; Mr. Mike Zuraf, Principle Planner; and Joey Hess, Long-Range Planner, gave a presentation and answered Board members questions. Mr. Schwartz, Board of Supervisors Chair and Mr. Pete Fields, Planning Commission Chair, opened the joint public hearing.

The following persons desired to speak:

Dan Reebel

Alicia Reebel

Preston Blaisdell

Betty Blaisdell

Beverly Blaisdell

William Hoyt

Kristine Stone

Joyce Arndt

Shawn Weingast

John Roche

Robert Hopkins

Alex Long

Eric Kerr

Thomas Cropp

Vernon Blaisdell

Kay Dudenhefer

Skip Causey

Douglas Brown

Patricia Kurpiel

Jo Knight

Mr. Schwartz and Mr. Fields closed the joint public hearing.

Mr. Schwartz turned the meeting over to the Planning Commission for discussion. Discussion ensued.

Mr. Rhodes motioned, seconded by Mr. Mitchell to refer the Comprehensive Plan back to committee.

Ms. Kirkman made a substitute motion, seconded by Mr. DiPeppe to adopt Planning Commission Resolution PCR09-07.

The Voting Planning Commission tally was:

Yea: (4) Fields, DiPeppe, Carlone, Kirkman

Nay: (3) Howard, Rhodes, Mitchell

<u>Planning Commission Resolution 09-07 reads as follows:</u>

A RESOLUTION TO RECOMMEND THAT THE STAFFORD COUNTY BOARD OF SUPERVISORS AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 15.2-2229 OF THE CODE OF VIRGINIA (1950), AS AMENDED, BY ADOPTING THE PROPOSED AMENDMENTS, AS ADVERTISED, INCLUDING, AMONG OTHER THINGS, A NEW LAND USE PLAN (ENTITLED STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN 2009-2028) AS PART OF THE STAFFORD COUNTY COMPREHENSIVE PLAN, INCLUDING A NEW LAND USE MAP, AND REPEALING THE PREVIOUSLY EXISTING LAND USE PLAN COMPONENT OF SAID COMPREHENSIVE PLAN AND THE PREVIOUSLY EXISTING LAND USE MAP.

WHEREAS, under Section 15.2-2229 of the Code of Virginia, the Board of Supervisors may amend its Comprehensive Plan; and

WHEREAS, the proposed amendments to the Comprehensive Plan would, among other things, amend the Comprehensive Plan by adopting a new Land Use Plan component of the Comprehensive Plan, with new Goals, Objectives, and Policies and recommended land uses, as shown on the proposed Land Use Map, to serve as a framework to guide the coordinated and harmonious development of Stafford County; and

WHEREAS, the Planning Commission duly ordered, advertised, and held a joint public hearing with the Board on October 6, 2009, at which time public testimony was received and the merits of the above referenced Comprehensive Plan Amendments were considered; and

WHEREAS, the Planning Commission has carefully considered the recommendations of the Comprehensive Plan Sub-Committee of the Planning Commission, as well as the recommendations of County staff; and

WHEREAS, the Planning Commission believes that the proposed amendments to the Comprehensive Plan should be adopted;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Planning Commission on this the 6th day of October 2009, that the Commission does hereby recommend adoption of the proposed amendments to the Stafford County Comprehensive Plan, as advertised, by approving, among other things, a new Land Use Plan (entitled Stafford County, Virginia, Comprehensive Plan 2009-2028), including a new Land Use Map, and by repealing the previously existing Land Use Plan component of said Comprehensive Plan and the previously existing Land Use Map.

Ms. Kirkman motioned, seconded by Ms. Carlone to restore the Financial Impact Model (FIM) to the Comprehensive Plan.

The Voting Planning Commission tally was:

Yea: (6) Howard, Rhodes, Fields, DiPeppe, Carlone, Kirkman

Nay: (1) Mitchell

The Planning Commission concluded their portion of the public hearing, adjourned, and turned the meeting back over to the Board of Supervisors. Chairman Schwartz opened the floor for discussion by members of the Board of Supervisors concerning the recommendation from the Planning Commission.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson to approve proposed resolution R09-277 and for staff to compile a list of changes and forward to the Planning Commission for amendments based on input from the public hearing and for the Planning Commission to include a definition of areas, urban development areas, and a transportation plan. This

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list will then be referred to the Planning Commission at the Board's October 20th

meeting.

Mr. Brito made a substitute motion, seconded by Mr. Dudenhefer to defer proposed

Resolution R09-277 to the October 20th meeting.

Mr. Milde made a second substitute motion to refer this item back to the Planning

Commission for changes. Mr. Sterling made a friendly amendment to bring this item

back to the Board at the February 2, 2010 meeting.

Discussion ensued.

The Voting Board tally on the second substitute motion was:

Yea: (3) Milde, Sterling, Dudenhefer

Nay: (4) Schwartz, Brito, Woodson, Crisp

The Voting Board tally on the substitute motion was:

Yea: (2) Milde, Brito

Nay: (5) Sterling, Dudenhefer, Schwartz, Woodson, Crisp

The Voting Board tally on the original motion was:

Yea: (3) Schwartz, Woodson, Crisp

Nay: (4) Milde, Brito, Sterling, Dudenhefer

Mr. Sterling motioned, seconded by Mr. Milde, to send the Comprehensive Plan back to

the Planning Commission for amendments and back to the Board at the February 2, 2010

meeting.

The Voting Board tally on the motion was:

Yea: (6) Woodson, Crisp, Milde, Brito, Sterling, Dudenhefer

Nay: (1) Schwartz

At 11:15 p.m., the Board adjourned for a recess.

At 11:31 p.m., the Board reconvened their meeting.

<u>Planning and Zoning; Adopt the Virginia Department of Transportation (VDOT) FY2010</u>
<u>- FY2015 Secondary System Six-Year Improvement Program (SSYP).</u> Mr. Fulton deLamorton, Transportation Administrator gave a presentation and responded to Board members questions. Mr. David Stanley, VDOT Residency Administrator, also responded to Board members questions.

The Chairman opened a public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Sterling to adopt proposed Resolution R09-331.

The Voting Board tally on the motion was:

Yea: (6) Woodson, Crisp, Brito, Sterling, Dudenhefer, Schwartz

Nay: (1) Milde

Resolution R09-331 reads as follows:

A RESOLUTION TO ADOPT THE VIRGINIA DEPARTMENT OF TRANSPORTATION FY2010-FY2015 SIX-YEAR SECONDARY ROAD IMPROVEMENT PROGRAM

WHEREAS, pursuant to Section 33.1-70.01 of the Code of Virginia (1950), as amended, the Board and representatives of the Virginia Department of Transportation have conducted a public hearing for the proposed FY2009-FY2015 Six-Year Secondary Road Improvement Program; and

WHEREAS, the Board has considered the recommendations of the Planning Commission and the testimony received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the FY2010-FY2015 Six-Year Secondary Road Improvement Program be and it hereby is adopted; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the VDOT Residency Administrator.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from PD-1, Planned Development 1 to M-1, Light Industrial Zoning District, Assessor's Parcel 46-93G, Located at 275 Leeland Road.

<u>Planning and Zoning; Consider a Conditional Use Permit at 275 Leeland Road.</u> Mr. Mike Zuraf, Principal Planner gave a presentation on both items and answered Board members questions.

The Chairman opened a public hearing on both items.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Milde, to adopt proposed Ordinance O09-44.

The Voting Board tally on the motion was:

Yea: (7) Schwartz, Milde, Woodson, Crisp, Brito, Sterling, Dudenhefer,

Nay: (0)

Ordinance O09-44 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM PD-1, PLANNED DEVELOPMENT 1 ZONING DISTRICT TO M-1, LIGHT

INDUSTRIAL ZONING DISTRICT ON ASSESSOR'S PARCEL 46-93G, WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, Virginia Railway Express has submitted application RC2900102 requesting a reclassification from PD-1, Planned Development 1 to M-1, Light Industrial on Assessor's Parcel 46-93G, consisting of 2.04 acres, located on the west side of Leeland Road and the south side of the CSX Railway, within the Falmouth Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested amendment to proffered conditions is appropriate; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend the proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from PD-1, Planned Development 1 to M-1, Light Industrial on Assessor's Parcel 46-93G, with proffers entitled "Telecom Tower, Leeland Road VRE Station", and dated July 9, 2009.

Mr. Schwartz motioned, seconded by Mr. Woodson to adopt proposed Resolution R09-282.

The Voting Board tally on the motion was:

Yea: (7) Schwartz, Milde, Woodson, Crisp, Brito, Sterling, Dudenhefer

Nay: (0)

Resolution R09-282 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2900104 TO ALLOW A 150-FOOT TALL MONOPOLE TELECOMMUNICATION FACILITY IN AN M-1, LIGHT INDUSTRIAL, ZONING DISTRICT LOCATED ON ASSESSOR'S PARCEL 46-93G, FALMOUTH ELECTION DISTRICT

WHEREAS, Virginia Railway Express, applicant, has submitted application CUP2900104 requesting a Conditional Use Permit to allow a 150-foot tall monopole telecommunication facility in an M-1, Light Industrial, Zoning District on the above-described properties; and

WHEREAS, the application has also been submitted pursuant to Section 28-35 of the Zoning Ordinance which permits a Conditional Use Permit for a communications facility in the M-1, Light Industrial District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that a Conditional Use Permit pursuant to application CUP2900104 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is to allow a telecommunications facility in an M-1, Light Industrial, Zoning District located on Assessor's Parcel 46-93G.
- 2. There shall be one (1) tower permitted on the property. The tower shall be monopole type construction. The maximum height of the tower shall be 150 feet. Any lightning rod or other antenna, excluding panel antennas, cannot exceed 160 feet.
- 3. Low impact design methods shall be incorporated into the design of the tower as shown on the plan, including:
 - a) All cables from the tower to the equipment shelters shall be located below the top rail of the solid board on board screening fence.
 - b) At any height above the screening fence, RF transmission cables associated with the tower shall be located within the tower itself. Notwithstanding the forgoing, such transmission cables may exit the tower at the appropriate cable ports for connection to the respective antennas located at each cable port location.
 - c) If any antenna mounting platform(s) is utilized on the tower, all such platforms shall be a low profile design.
- 4. Upon completion of the parking lot expansion, bollards or a curb shall be installed around the perimeter of the compound.
- 5. Once the tower facility is no longer in use, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within 12 months of cessation of use of the tower facility, the equipment and the tower shall be removed by the tower owner. Prior to site plan approval, the tower owner shall

- enter into a performance agreement with Stafford County for removal of the facility.
- 6. Prior to site plan approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a Letter of Credit or other security acceptable to Stafford County for one hundred ten (110) percent of the cost of removal of the tower and facility.
- 7. The tower shall be designed to accommodate at least four (4) carriers.
- 8. The compound shall be enclosed and screened with solid board fencing consisting of recycled PVC or other synthetic material. The fence shall be an earth tone color.
- 9. Prior to issuance of a final zoning permit for the facility, the applicant shall provide to the County copies of a certified as-built survey for the tower. The asbuilt survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
- 10. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with Stafford County's Emergency 911 system or the Stafford Regional Airport.
- 11. In the event a County agency desires to locate its communication equipment on the facility, the applicant shall provide adequate space on the tower and on the ground lease area for a period of thirty (30) years at no cost to the County. The parties shall mutually agree to the location of the antenna and equipment
- 12. This conditional use permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

<u>Planning and Zoning</u>; <u>Amend the Sign Provisions in the Zoning Ordinance</u>. Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

The Chairman opened a public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer to adopt proposed Ordinance O09-18.

The Voting Board tally on the motion was:

Yea: (7) Milde, Dudenhefer, Schwartz, Woodson, Crisp, Brito, Sterling

Nay: (0)

Ordinance O09-18 reads as follows:

AN ORDINANCE (1) TO AMEND AND REORDAIN THE STAFFORD COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-121, PURPOSE AND INTENT; SECTION 28-122, CERTAIN **TYPES** PROHIBITED IN DISTRICTS; SECTION 28-123, TYPES PERMITTED IN DISTRICTS; SECTION 28-124, TYPES PERMITTED IN A-2 AND R-1 DISTRICTS; SECTION 28-125, TYPES PERMITTED IN R-2, R-3 AND R-4 DISTRICTS; SECTION 28-126, TYPES PERMITTED IN B-1, B-2, M-1 AND M-2 DISTRICTS; SECTION 28-127, TYPES PERMITTED IN RC, SC, B-3, LC, AND RBC DISTRICTS; AND SECTION 28-129, TYPES PERMITTED IN PD-2 DISTRICTS; AND (2) TO ENACT, ADOPT AND ORDAIN SECTION 28-138, TYPES PERMITTED IN THE RBC DISTRICT, OF THE ZONING ORDINANCE.

WHEREAS, due to technological advancements, numerous developments have occurred in the sign industry especially with electronic message centers; and

WHEREAS, the Zoning Ordinance prohibits any sign that displays or flashes intermittent lights or lights of changing degrees of intensity, except signs indicating time or temperature, which use a regular alternating cycle of five seconds or more, and which do not constitute a public safety or traffic hazard; and

WHEREAS, the Board believes that illuminated signs and electronic signs, which present multiple images, messages and/or objects having actual motion or the appearance of motion, through illumination and/or intensity changes, provide more visual stimuli than traditional or static signs and, thus, are more distracting to motorists and constitute a public safety and traffic hazard; and

WHEREAS, the Board desires to regulate signs that have high-resolution color images, complex visual arrangements, significant color variation, and a multiple and/or varied amount of images, similar to those which are ordinarily displayed on a color television screen, computer monitor and/or multisided-vision signs; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, staff, and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6th day of October, 2009, that the Stafford County Code be and it hereby is (1) amended and reordained by amending Section 28-25, Definitions of Specific Terms; Section 28-121, Purpose and Intent; Section 28-122, Certain Types Prohibited in all Districts; Section 28-123, Types Permitted in A-1 Districts; Section 28-124, Types Permitted in A-2 and R-1 Districts; Section 28-125, Types Permitted in R-2, R-3 and R-4 Districts; Section 28-126, Types Permitted in B-1, B-2, M-1 and M-2 Districts; Section 28-127, Types Permitted in RC, SC, B-3, LC, and RBC Districts; and Section 28-129, Types Permitted in PD-2 Districts; and (2) enacted, adopted and ordained of Section 28-138, Types Permitted in the RBC District, of the Zoning Ordinance, as follows, with all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms.

Office Park. A tract of land that contains two (2) or more buildings designed and constructed for occupancy of, or occupied by, general, medical/dental and/or professional businesses and/or personnel.

Pad Site. Any part of the land originally developed as a shopping center, industrial park or office park containing, or intended to contain, through sale or lease, one (1) freestanding building designed, planned, constructed, and/or managed on an integrated and coordinated basis with the shopping center, industrial park or office park.

Sign, Electronic Message Center (EMC). A sign that displays images, scrolling images or moving images, including video, through the use of a series of grid lights, such as: cathode ray; light emitting diode display; plasma screen; liquid crystal display; fiber optics; or other similar electronic technology. This definition includes each of the following:

- (1) Signs, which present images and/or messages that are similar to those which are ordinarily displayed on color television screens or computer monitors, where the image and/or message is in motion or appears as if it is motion;
- (2) Signs for which the images and/or messages are capable of being changed through any remote means; and
- (3) Signs presenting two (2) or more separate displays of images and/or messages by means of any scrolling cylinder or other scrolling device.

Sign, general advertising. A sign that identifies or communicates a commercial or noncommercial an image and/or message or an for any activity, product, service, or

commodity not necessarily available <u>for sale or lease</u> on the premises at which the sign is located, or which directs attention to the approximate location of an establishment.

Sign, model homes. A sign that identifies a dwelling unit as a model home.

Sec. 28-121. Purpose and intent.

The purpose <u>and intent</u> of this article is to promote <u>the public health</u>, <u>safety</u>, convenience, <u>safety</u> and general welfare <u>by through</u> the establishment of standards for the placement, erection, use and maintenance of signs in Stafford County <u>in order to minimize the adverse secondary effects that accompany the unregulated display of signs; preserve the character of residential neighborhoods; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by visual distractions to motorists and/or the impairment of motorists sight lines; enhance the appearance and aesthetic environment of the County and ensure that the County remains an attractive place to live and work.</u>

Sec. 28-122. Certain types prohibited in all districts.

The following types of signs are prohibited in all zoning districts:

- (1) Any sign, displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time or temperature, which changes alternating on not less than a five second cycle, or message board, when such sign does not constitute a public safety or traffic hazard, in the judgment of the zoning administrator or his designee. which illuminates its image(s) and/or message(s) with lights that:
 - a. are separate from, i.e. not included within or as part of, the image(s) and/or message(s) displayed, and
 - b. continually, intermittently or regularly flash, blink, flicker, flutter or rotate (clockwise and/or counter-clockwise) on an alternating cycle lasting fewer than five (5) seconds.
- (6) Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related. illumination, as measured from the nearest edge of the nearest street, highway or public road,
 - a. greater than 0.8 foot candles for signs located in commercial, office, business, industrial or planned development zoning districts, or
 - b. greater than 0.3 foot candles for signs located in residential or agricultural zoning districts.

- c. the illumination measurements contemplated herein shall be taken no sooner than two (2) hours after sunset and no later than two (2) hours before sunrise and from a height of not less than four (4) feet, nor more than five (5), feet above ground level and, as nearly as is practicable,
 - (i) at a forty-five (45) degree angle to each sign image and/or message, when such image and/or message is perpendicular to the nearest roadway edge, i.e. facing oncoming traffic, and
 - (ii) at a ninety (90) degree angle to each sign image and/or message, when such image and/or message is parallel to the nearest roadway edge, i.e. facing the roadway edge.
- (7) Any sign that violates any provision of any law of the state Commonwealth of Virginia or the United States Government relative to outdoor advertising.
- (8) An EMC, as defined in Section 28-25 of this Article, having any image(s) and/or message(s) which continually, intermittently or regularly change, flash, blink, flicker, flutter or rotate (clockwise and/or counter-clockwise) on any cycle lasting fewer than five (5) seconds.
- (9) An EMC, as defined in Section 28-25 of this Article, which is located within five-hundred (500) feet of any property having a historic designation.
- (10) An EMC, as defined in Section 28-25 of this Article, having any image(s) and/or message(s) which contain(s) four (4) or more visible colors, including the background, within each image and/or message displayed, i.e. within each of the changeable copies, except when such sign's image and/or message is less than six (6) square feet in area.

Signs erected, authorized, owned and/or operated by local, state or federal governmental authorities for the purpose of providing emergency, traffic, safety or other information for the convenience of the public are excepted from the prohibitions contained in this section.

Sec. 28-123. Types permitted in A-1 districts.

The following types of signs are permitted in AG A-1 districts:

- (2) Home occupation signs; provided that, the maximum size area of the sign shall be not exceed four (4) square feet.
- (5) Temporary event signs, provided that, not more than two (2) such signs shall be located on any lot or premises and that the maximum size shall not exceed sixty four (64) square feet the area of each sign shall not exceed sixty-

- four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.
- (6) General advertising signs; provided that:
 - a. No such sign shall be greater than twenty (20) feet in height.
 - b. The maximum size of any such sign shall not exceed sixty-four (64) square feet.
 - c. No such sign shall be located at a distance of less than three hundred (300) feet from another such sign on the same side of a right of way.
 - d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises or located in any required minimum yard.
- (7) (6) Model home signs, provided that:
 - (a) The maximum size <u>area</u> of the sign shall not exceed thirty-two (32) square feet.
 - (b) No such sign shall be greater extend more than six (6) feet in height above ground level.
 - (c) The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.
 - (e) (d) Not more than one such sign shall be located on any the lot or premise parcel of land.
 - (d) Such (e) The sign shall be removed when use of the advertised home as a model home is discontinued.
- (8) (7) Temporary sale signs.
- (9) (8) Critical resource protection area (CRPA) signs.

Sec. 28-124. Types permitted in A-2 and R-1 districts

The following types of signs are permitted in A-2 and R-1 districts:

- (4) Temporary event signs; provided that, the maximum size area of the sign shall be not exceed four (4) square feet and, provided further, that not more than one such sign shall be located on any lot or premise parcel of land.
- (5) General advertisement signs; provided that:

- a. No portion of a free standing sign shall be greater than twenty (20) feet above ground level.
- b. No wall sign shall be greater in height than the roof line of the main building located on the premises.
- c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.
- d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises.
- (6) (5) Model home signs, provided that:
 - a. The maximum size area of the sign shall not exceed thirty-two (32) square feet.
 - b. No such sign shall be greater extend more than six (6) feet in height above ground level.
 - c. The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.
 - (e) (d) Not more than one such sign shall be located on any the lot or premise parcel of land.
 - d. (e) The sign shall be removed when use of the advertised home as a model home is discontinued.
- (7) (6) Critical resource protection area (CRPA) signs.

Sec. 28-125. Types permitted in R-2, R-3 and R-4 districts

The following types of signs are permitted in R-2, R-3 and R-4 districts:

- (3) Temporary event signs; provided that, the maximum size area of the sign shall be not exceed four (4) square feet and, provided further, that not more than one such sign shall be located on any lot or premises parcel of land.
- (4) Model home signs; provided that:
 - a. Thee maximum size area of the sign shall not exceed thirty-two (32) square feet.
 - b. No such sign shall be greater extend more than six (6) feet in height above ground level.
 - c. The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.

- e. d. Not more than one such sign shall be located on any the lot or premises parcel of land.
- d. <u>e_Such The</u> sign shall be removed when use <u>of the advertised home</u> as a model home is discontinued.

Sec. 28-126. Types permitted in B-1, B-2, M-1 and M-2 districts.

The following types of signs are permitted in B-1, B-2, M-1, and M-2 districts:

- (2) Temporary event signs; provided that, the maximum size area of the sign shall not exceed sixty-four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.
- (3) General advertising signs, provided that:
 - a. No such sign shall exceed twenty (20) feet in height. the area of the sign shall not exceed forty (40) square feet.
 - b. The maximum size of any such sign shall not exceed forty (40) square feet. no such sign shall extend more than twenty (20) feet in height above ground level.
 - c. No such sign shall be located at a distance of less than two hundred (200) feet from another any other such sign on the same side of a right of way or located in any required minimum yard the same street, highway or public road.
 - d. No such sign shall be located in any front, rear or side yard.
- (4) Business signs shall be permitted in B-1, B-2, M-1 and M-2 districts, if such meet the following standards
 - a. In <u>Located within</u> existing and proposed shopping centers, industrial parks and office/professional center-parks, the following provisions shall apply provided that:
 - 1. One freestanding sign for each public road frontage identifying the center or park shall be permitted. Such sign shall be a monument sign, not to exceed thirty (30) feet in height. The maximum size of such sign shall not exceed one quarter (1/4) square foot of sign area for each linear foot of combined building frontage or street frontage for the site, whichever is greater. No such sign for an undeveloped property shall exceed three hundred (300) square feet. The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and

- i. the area of the sign shall not exceed one quarter (1/4) square foot for each linear foot of combined building frontage or street frontage, whichever is greater.
- ii. no such sign shall extend more than thirty (30) feet in height above ground level.
- iii. only one (1) freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) sign.
- 2. Each store or industry building may have wall signs for each building frontage on its front and side exterior walls, provided that:
 - <u>Tthe maximum</u> height of <u>each</u> such sign shall not <u>exceed</u> extend more than five (5) feet above the <u>building</u> wall to which it is attached.
 - <u>ii.</u> <u>Tthe maximum size of such aggregate area of all wall</u> signs shall be <u>not exceed</u> two (2) square feet for each <u>lineal linear</u> foot of building frontage.
- 3. Each store or industry shall also be permitted <u>building may also have</u> one identification sign (1) wall sign on its rear exterior wall, <u>provided that:</u> not to exceed ten (10) square feet in size, on the rear of the building, to identify the tenant, and one under canopy sign, located at the front of the building not to exceed six (6) square feet in size.
 - i. the height of the sign shall not extend more than five (5) feet above the wall to which it is attached.
 - ii. the area of the sign shall not exceed ten (10) square feet.
- 4. Each building may also have one (1) under canopy sign, located at the front of the building, not to exceed six (6) square feet in sign area.
- 4.5. Business Signs for <u>identifying</u> proposed shopping centers, industrial parks and office/professional centers <u>parks</u> shall be <u>kept in good repair and</u> removed upon completion of the <u>project construction</u> of the shopping center, industrial park and/or office park.
- 5.6. Each freestanding building pad site, having street frontage on a state maintained roadway street, highway or public road frontage, shall be permitted may have one (1) freestanding monument sign, provided that: not to exceed eight (8) feet in height.
 - i. the height of such sign shall not extend more than eight (8) feet above ground level.
 - <u>ii.</u> <u>Tthe maximum size area</u> of such sign shall not exceed one (1) square foot for each linear foot of building frontage.

- 6.7. Each freestanding building pad site, not having frontage on a state maintained roadway street, highway or public road frontage, shall be permitted may have one (1) freestanding monument sign, provided that: not to exceed six (6) feet in height.
 - i. the height of such sign shall not extend more than six (6) feet above ground level.
 - <u>ii.</u> <u>Tthe maximum size area</u> of such sign shall not exceed one half (1/2) square foot for each <u>lineal linear</u> foot of building frontage.
- b. The following provisions shall apply to individual businesses, industries or offices not located in within existing and proposed shopping centers, industrial parks and office/professional centers parks, provided that:
 - 1. One (1) freestanding sign may be located on any lot or premises, except that on lots having frontage on two (2) or more streets; one (1) sign for each street frontage shall be permitted; provided that, the combined square footage shall not exceed the total permitted for one sign. Such signs shall be monument signs, not to exceed twelve (12) feet in height. The aggregate size of all such signs shall not exceed one (1) square foot of sign area for each lineal foot of building frontage. the sign shall be a freestanding monument sign, and
 - i. the area of the sign shall not exceed one (1) square foot for each linear foot of building frontage.
 - ii no such sign shall extend more than twelve (12) feet in height above ground level.
 - only one (1) freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) such sign.
- 2. The maximum height of a wall sign shall not exceed five (5) feet above the height of the building. each building may have wall signs on its front and side exterior walls, provided that:
 - i. the height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.
 - <u>ii.</u> <u>Tthe</u> aggregate area of all such signs shall not exceed two (2) square feet of sign area for each <u>lineal linear</u> foot of building frontage.

Sec. 28-127. Types permitted in RC, SC, B-3 and LC RBC districts.

The following types of signs are permitted in RC, SC, B-3, and LC RBC districts:

- (2) Temporary event signs; provided that no the area of such signs shall not exceed sixty-four (64) square feet in size and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.
- (3) Business signs ; provided that such signs meet the following standards:
 - a. Wall signs shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage.
 - b. One freestanding sign per building frontage, not exceeding one square foot for each lineal foot of building frontage and twelve (12) feet in height shall be permitted.
 - c. Each store or office shall be permitted one identification sign, not to exceed ten (10) square feet in size, on the rear of the building, to identify the tenant.
 - a. Located within existing and proposed convenience centers, shopping centers, and office parks, provided that:
 - 1. The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and.
 - i. the area of the sign shall not exceed one square foot for each linear foot of combined building frontage or street frontage, whichever is greater.
 - ii. no such sign shall extend more than twenty (20) feet in height above ground level.
 - iii. only one (1) freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) sign.
 - 2. Each building may have wall signs on its front and side exterior walls, provided that:
 - i. the height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.
 - ii. the aggregate area of all wall signs shall not exceed one (1) square foot for each linear foot of building frontage.
 - 3. Each building may also have one (1) wall sign on its rear exterior wall, provided that:

- i. the height of the sign shall not extend more than five (5) feet above the wall to which it is attached.
- ii. the area of the sign shall not exceed ten (10) square feet.
- 4. Signs identifying proposed convenience centers, shopping centers and office parks shall be removed upon completion of the construction of the convenience center, shopping center, and/or office park.
- 5. Each pad site, having street, highway or public road frontage, may have one (1) freestanding monument sign, provided that:
 - i. the height of such sign shall not extend more than eight (8) feet above ground level.
 - ii. the area of such sign shall not exceed one (1) square foot for each linear foot of building frontage.
- 6. Each pad site, not having street, highway or public road frontage, may have one (1) freestanding monument sign, provided that:
 - i. the height of such sign shall not extend more than six (6) feet above ground level.
 - ii. the area of such sign shall not exceed one half (1/2) square foot for each linear foot of building frontage.
- (b) Not located within existing and proposed convenience centers, shopping centers and office parks, provided that:
 - 1. The sign shall be a freestanding monument sign, and
 - i. the area of the sign shall not exceed one (1) square foot for each linear foot of building frontage.
 - ii. <u>no such sign shall extend more than twelve (12) feet in height</u> above ground level.
 - iii. only one (1) freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) such sign.
 - 2. Each building may have wall signs on its front and side exterior walls, provided that:
 - i. the height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.
 - ii. the aggregate area of all wall signs shall not exceed one and one-half (1 1/2) square feet for each linear foot of building frontage.

- (4) The following provisions shall apply to convenience centers, shopping centers and office/professional centers located in RC, SC, and RBC districts:
 - a. One freestanding sign identifying the center shall be permitted for each public street frontage. Such sign shall be a monument sign, and shall not exceed twenty (20) feet in height. The maximum area of such sign shall not exceed one square foot for each lineal foot of building frontage. The total square footage for all such signs shall not exceed the maximum permitted for the site.
 - b. Each building may have one wall sign for each building frontage. The maximum area for wall signs shall not exceed one half square foot for each lineal foot of building frontage.
 - c. Each store or office shall be permitted one identification sign, not to exceed ten (10) square feet in size, on the rear of the building, to identify the tenant and one under canopy sign, not to exceed six (6) square feet in size for each building frontage.
- (5) (4) Temporary sale sign.
- (6) (5) Directional sign.
- (7) (6) Window sign.
- $\frac{8}{8}$ (7) Subdivision sign.
- (9) (8) Critical resource protection area (CRPA) sign

Sec. 28-129. Types permitted in PD-2 districts.

- (a) Those signs specified in section 28-125 and permitted in R-2, R-3 and R-4 districts shall be The following types of signs are permitted in residential areas of a PD-2 district-;
 - (1) Public signs.
 - (2) Subdivision signs.
 - (3) Temporary event signs; provided that, the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.
 - (4) Model home signs; provided that:
 - i. the area of the sign shall not exceed thirty-two (32) square feet.
 - <u>ii.</u> no such sign shall extend more than six (6) feet in height above ground level.

- <u>iii.</u> the sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.
- iv. no more than one such sign shall be located on the lot or parcel of land.
- v. the sign shall be removed when use of the advertised home as a model home is discontinued.
- (5) Critical resource protection area (CRPA) sign.
- (b) Prior to any signs erected in a commercial area of a PD-2 district, the applicant shall submit a comprehensive sign program that depicts typical styles of all sign types to be used. Such signs shall be of the type permitted in the provisions of subsection (4) of section 28-126, and shall meet the specifications articulated in that subsection with the following exceptions:
 - (1) No such sign shall exceed twenty (20) feet in height.
 - (2) The maximum size of any such sign shall not exceed one hundred (100) square feet without a special exception.
- (b) The following types of signs are permitted in commercial areas of a PD-2 district:
 - (1) Temporary event sign; provided that, the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.

(2) Business signs

- a. Located within existing and proposed shopping centers and office parks, provided that:
 - 1. the sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and
 - i. the area of the sign shall not exceed one quarter (1/4) square foot for each linear foot of combined

building frontage or street frontage, whichever is greater.

- ii. no such sign shall extend more than twenty (20) feet in height above ground level.
- iii. only one (1) freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) sign.
- 2. each building may have wall signs on its front and side exterior walls, provided that:
 - i. the height of each such sign shall not extend more than five(5) feet above the wall to which it is attached.

- ii. the aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.
- iii. the area of each such wall sign shall not exceed one hundred (100) square feet.
- 3. each building may also have one (1) wall sign on its rear exterior wall, provided that:
 - i. the height of the sign shall not extend more than five (5) feet above the wall to which it is attached.
 - ii. the area of the sign shall not exceed ten (10) square feet.
- 4. signs identifying proposed shopping centers and office parks shall be removed upon completion of the construction of the shopping center and/or office park.
- 5. each pad site, having street, highway or public road frontage, may have one (1) freestanding monument sign, provided that:
 - i. the height of such sign shall not extend more than eight (8) feet above ground level.
 - ii. the area of such sign shall not exceed one (1) square foot for each linear foot of building frontage.
- 6. each pad site, not having street, highway or public road frontage, may have one (1) freestanding monument sign, provided that:
 - i. the height of such sign shall not extend more than six (6) feet above ground level.
 - ii. the area of such sign shall not exceed one half (1/2) square foot for each linear foot of building frontage.
- b. Not located within existing and proposed shopping centers and office parks, provided that:
 - 1. the sign shall be a freestanding monument sign, and
 - i. the area of the sign shall not exceed one (1) square foot for each linear foot of building frontage.
 - ii no such sign shall extend more than twenty (20) feet in height above ground level.
 - iii only one (1) freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) such sign.

- 2. each building may have wall signs on its front and side exterior walls, provided that:
 - i. the height of each such sign shall not extend more than five(5) feet above the wall to which it is attached.
 - ii. the aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.
 - iii. the area of each such wall sign shall not exceed one hundred (100) square feet.
- (3) critical resource protection area (CRPA) sign.

Sec. 28-138. Types permitted in the RBC district

The following types of signs are permitted in the RBC district:

- (1) Public signs.
- (2) Temporary event signs; provided that the area of such signs shall not exceed sixty-four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.
- (3) Business signs
 - a. located within existing and proposed convenience centers, shopping centers and office parks, provided that:
 - 1. the sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and
 - i. the area of the sign shall not exceed one square foot for each linear foot of combined building frontage or street frontage, whichever is greater.
 - ii. no such sign shall extend more than twenty (20) feet in height above ground level.
 - iii. only one (1) freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) sign.
 - 2. each building may have wall signs on its front and side exterior walls, provided that:
 - the height of each such sign shall not extend more than five(5) feet above the wall to which it is attached.
 - ii. the aggregate area of all wall signs shall not exceed one (1) square foot for each linear foot of building frontage.

- 3. each building may also have one (1) wall sign on its rear exterior wall, provided that:
 - i. the height of the sign shall not extend more than five (5) feet above the wall to which it is attached.
 - ii. the area of the sign shall not exceed ten (10) square feet.
- 4. signs identifying proposed convenience centers, shopping centers and office parks shall be removed upon completion of the construction of the convenience center, shopping center, and/or office park.
- 5. each pad site, having street, highway or public road frontage, may have one (1) freestanding monument sign, provided that:
 - i. the height of such sign shall not extend more than eight (8) feet above ground level.
 - ii. the area of such sign shall not exceed one (1) square foot for each linear foot of building frontage.
- 6. each pad site, not having street, highway or public road frontage, may have one (1) freestanding monument sign, provided that:
 - i. the height of such sign shall not extend more than six (6) feet above ground level.
 - ii. the area of such sign shall not exceed one half (1/2) square foot for each linear foot of building frontage.

b. not located within existing and proposed convenience centers, shopping centers and office parks, provided that:

- 1. the sign shall be a freestanding monument sign, and
 - i. the area of the sign shall not exceed one (1) square foot for each linear foot of building frontage.
 - ii. no such sign shall extend more than twelve (12) feet in height above ground level.
 - iii. only one (1) freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or

public roads, in which case one (1) sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one (1) such sign.

- 2. each building may have wall signs on its front and side exterior walls, provided that
 - i. the height of each such sign shall not extend more than five(5) feet above the wall to which it is attached.

- ii. the aggregate area of all wall signs shall not exceed one and one-half (1 1/2) square feet for each linear foot of building frontage.
- (4) Temporary sale signs.
- (5) Directional signs.
- (6) Window signs.
- (7) Subdivision signs.
- (8) Critical resource protection area (CRPA) signs.
- (9) Model home signs; provided that:
 - a. The area of the sign shall not exceed thirty-two (32) square feet.
 - b. No such sign shall extend more than six (6) feet in height above ground level.
 - c. The sign shall only be located on the lot or premises on which the model home, that is the subject of the image and/or message, is located.
 - d. No more than one such sign shall be located on any lot or parcel of land.
 - e. The sign shall be removed when use of the advertised home as a model home is discontinued.

BE IT FURTHER ORDAINED that this ordinance shall become effective 10/6/09.

Planning and Zoning; Amend Section 28-251, Review Procedure of the Zoning Ordinance, Section 22-60, Staff Review; Section 22-61, Technical Review Committee; and Section 22-77, Review and Approval of the Subdivision Ordinance. Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

The Chairman opened a public hearing.

The following persons desired to speak:

Harvey Gold

The Chairman closed the public hearing.

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Mr. Milde motioned, seconded by Mr. Sterling to adopt proposed Ordinance O09-34 with

the following changes: Change from 60 days to 120 days and grandfather all current

applications for one year.

The Voting Board tally on the motion was:

Yea: (7) Milde, Sterling, Dudenhefer, Schwartz, Woodson, Crisp, Brito,

Nay: (0)

At 12:03 a.m., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM

County Administrator

George H. Schwartz Chairman